IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 23568 of 2005
With
CIVIL APPLICATION NO.12964 OF 2005
With
CIVIL APPLICATION NO.109 OF 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE K.M.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ? **-No.**

2 To be referred to the Reporter or not ? **-No.**

3 Whether their Lordships wish to see the fair copy of the judgment ? **-No.**

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ? **-No.**

5 Whether it is to be circulated to the civil judge ? **-No.**

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DILIPKUMAR BHAKTIRAM DANIDHARIYA - Petitioner(s)

Versus

STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :
MS SUBHADRA G PATEL for Petitioner(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1 - 2.
GOVERNMENT PLEADER for Respondent(s) : 3,
MR JITENDRA MALKAN for Respondent(s) : 4,
M IA SHAIKH for Respondent(s) : 4,
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CORAM : HONOURABLE MR.JUSTICE K.M.MEHTA

Date : 27/01/2006

ORAL JUDGMENT

1.Dilipkumar Bhaktiram Danidhariya, petitioner-detenu has

filed this habeas corpus petition under Article 226 of the Constitution of India for quashing and setting aside the impugned order dated 15/11/2005 passed by the District Magistrate, Junagadh. Dilipkumar Bhaktiram is happened to be co-detenu of Hasmukh Kantilal Mathurdas Dave (detenu) in Special Civil Application No.24429 of 2005 which I have already disposed of today.

2. In view of the reasons given in Special Civil Application No.24429 of 2005, this petition is also required to be allowed and order of detention is required to be quashed and set aside.

3. In view of the same, petition is allowed. Order of detention dated 15/11/2005 passed by the District Magistrate, Junagadh is quashed and set aside. Dilipkumar Bhaktiram Danidhariya, detenu is ordered to be set at liberty forthwith if he is not required in connection with any other case. Rule is made absolute accordingly with no order as to cost. Direct service is permitted.

4. In view of the petition allowed, Civil Application No.12964 of 2005 and Civil Application No.109 of 2006

for parole leave do not survive. Both the Civil Applications are disposed of accordingly.

(K.M.MEHTA, J.)

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